



BERMUDA

PUBLIC SERVICE COMMISSION AMENDMENT REGULATIONS 2018

BR 153 / 2018

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The Governor, in exercise of the power conferred by section 84(5) of the Constitution and after consultation with the Premier and the Public Service Commission, makes the following Regulations:

Citation

1 These Regulations, which amend the Public Service Commission Regulations 2001 (the “principal Regulations”), may be cited as the Public Service Commission Amendment Regulations 2018.

Revokes and replaces regulations 22A, 22B and 22C

2 The principal Regulations are amended by revoking and replacing regulations 22A, 22B and 22C with the following—

“Establishing annual performance objectives for senior officers

22A (1) The Commission shall, in consultation with—

- (a) the Governor and the Secretary to the Cabinet, establish annual performance objectives in respect of the Secretary to the Cabinet;

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- (b) the Governor and the Head of the Civil Service, establish annual performance objectives in respect of the Head of the Civil Service.
- (2) The Secretary to the Cabinet shall, in consultation with the Governor the Commission and each Assistant Secretary to the Cabinet, establish annual performance objectives in respect of each Assistant Secretary to the Cabinet.
- (3) The Head of the Civil Service shall, in consultation with—
 - (a) the Governor, the Commission, and the Deputy Head of the Civil Service, establish annual performance objectives in respect of the Deputy Head of the Civil Service;
 - (b) the Governor, the Commission, and the Financial Secretary, establish annual performance objectives in respect of the Financial Secretary;
 - (c) the Governor, the Commission and each Permanent Secretary, establish annual performance objectives in respect of each Permanent Secretary.
- (4) When establishing annual performance objectives under paragraphs (1), (2) and (3), account shall be taken of the business of the Government and its policy and programme objectives, and the overall management of the public service.
- (5) For the avoidance of doubt, failing to achieve the performance objectives established under this regulation is not a disciplinary offence under regulation 6A(1).

Conducting appraisals of senior officers

- 22B (1) For the purpose of making recommendations to the Governor pursuant to section 82 of the Constitution, there shall be conducted an annual appraisal of the performance of senior officers in accordance with this regulation.
- (2) The Commission shall conduct an annual appraisal of the performances of the Secretary to the Cabinet and the Head of the Civil Service and, when conducting such appraisal, shall—
- (a) take account of the annual performance objectives established under regulation 22A(1);
 - (b) consult with the Premier;
 - (c) consult with—
 - (i) other senior officers;
 - (ii) officers who serve under the Secretary to the Cabinet and the Head of the Civil Service,
- if, in the opinion of the Commission, such officers are able to provide information relevant to the appraisal.

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(3) The Secretary to the Cabinet shall conduct an annual appraisal of the performance of each Assistant Secretary to the Cabinet and, when conducting such appraisal, shall—

- (a) take account of the annual performance objectives established under regulation 22A(2);
- (b) consult with the Premier and the Commission; and
- (c) consult with—
 - (i) other senior officers;
 - (ii) officers who serve under the Assistant Secretary to the Cabinet concerned,

if, in the opinion of the Secretary to the Cabinet, such officers are able to provide information relevant to the appraisal.

(4) The Head of the Civil Service shall conduct an annual appraisal of the performance of the Deputy Head of the Civil Service, the Financial Secretary and each Permanent Secretary and, when conducting such appraisal, shall—

- (a) take account of the annual performance objectives established under regulation 22A(3);
- (b) consult with the relevant Minister and the Commission;
- (c) consult with—
 - (i) other senior officers;
 - (ii) officers who serve under the Deputy Head of the Civil Service, the Financial Secretary, and the Permanent Secretary concerned,

if, in the opinion of the Head of the Civil Service, such officers are able to provide information relevant to the appraisal.

(5) Notwithstanding paragraphs (2), (3) and (4), a performance appraisal may be conducted periodically in respect of a particular matter; and this regulation applies in respect of any such periodic appraisal.

(6) A written report of the annual appraisal and any periodic appraisal conducted under this regulation shall be submitted to the Commission for its review and comment for the purpose of ensuring that the appraisal has been conducted appropriately and in accordance with this regulation, and the Chairman shall counter-sign the report.

(7) Following its review, the Commission shall—

- (a) prepare a written report setting out the manner and extent to which the senior officer achieved the performance objectives established under regulation 22A; and

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(b) send a copy of the report to the senior officer concerned, and the senior officer may make written comments to the Commission regarding the report.

Commission to send report to Governor and others
22C The Commission shall—

- (a) send to the Governor the written report, prepared under regulation 22B(7), together with the senior officer's comments; and
- (b) send a copy of the report and the comments to the Premier, the senior officer concerned, and the person who conducted the performance appraisal.”.

Amends regulation 26

3 The principal Regulations are amended in regulation 26(4) by deleting “designate an Assistant Cabinet Secretary to perform any of his functions under this regulation” and substituting “delegate any of his functions under this regulation to the Deputy Head of the Civil Service”.

Amends regulation 32

4 The principal Regulations are amended in regulation 32(3A) by deleting “designate an Assistant Cabinet Secretary to perform any of his functions under this regulation” and substituting “delegate any of his functions under this regulation to the Deputy Head of the Civil Service”.

Amends First Schedule

5 The principal Regulations are amended in the First Schedule—

- (a) in paragraph 16 by deleting “designate an Assistant Cabinet Secretary to perform any of his functions under this Schedule” and substituting “delegate any of his functions under this Schedule to the Deputy Head of the Civil Service”;
- (b) in paragraph 17 by deleting “designated an Assistant Cabinet Secretary to hear an appeal under paragraph 14, the decision of the Assistant Cabinet Secretary” and substituting “delegated the hearing of an appeal under paragraph 14, the decision of the Deputy Head of the Civil Service”.

Amends Second Schedule

6 The principal Regulations are amended in paragraph 9 of the Second Schedule by deleting “designate an Assistant Cabinet Secretary to perform any of his functions under this Schedule” and substituting “delegate any of his functions under this Schedule to the Deputy Head of the Civil Service”.

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Amends BR82/2001

7 The Public Service (Delegation of Powers) Regulations 2001 are amended in regulation 4A—

- (a) in the heading by deleting “Assistant Cabinet Secretary” and substituting “Deputy Head of Civil Service”;
- (b) by deleting “designate an Assistant Cabinet Secretary to perform any of his functions under these Regulations” and substituting “delegate to the Deputy Head of the Civil Service any of his functions under these Regulations”.

Made this 21st day of December 2018

Mr. John Rankin, CMG
Governor

[Operative Date: 24 December 2018]